

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JIMMY JONES,

Petitioner

v.

HILTON HALL, Warden,

Respondent

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5:05-CV-291 (WDO)

ORDER

Respondent Hall filed a motion to dismiss this habeas petition based on Petitioner's failure to exhaust his state court habeas remedies. This matter is before the Court on the Magistrate Judge's Report and Recommendation to grant the Respondent's motion to dismiss. Having carefully considered the Recommendation, and Petitioner's objections thereto, the Respondent's motion to dismiss for lack of exhaustion is GRANTED. This habeas petition is DISMISSED WITHOUT PREJUDICE so that Petitioner may pursue state habeas relief in the state courts.

SO ORDERED this 26th day of September, 2006.

**S/
WILBUR D. OWENS, JR.
UNITES STATES DISTRICT JUDGE**